

Joint Hearing of the Assembly Veterans Affairs Committee
Senate Veterans Affairs Committee

May 24, 2011

State Active Duty Status: What is it? Why does it exist? Are changes needed?

Woodrow Wilson:

Quite as important as legislation is vigilant oversight of administration. It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. The informing function of Congress should be preferred even to its legislative function. (Congressional Government, 1885, p. 297)

The purpose of this hearing is to examine the use of the state active duty status (SAD) within the State of California. Is it being properly administered? If not, what changes are needed? If public trust and confidence in the California National Guard has been lost or tarnished, how may these be restored?

In June of 2005, the State Auditor conducted an audit of the Military Department, the report of which is entitled: "Military Department: It Has Had Problems With Inadequate Personnel Management and Improper Organizational Structure and Has Not Met Recruiting and Facility Maintenance Requirements."

The audit revealed several important findings. These included:

- 1. It has not effectively reviewed its state active duty positions, and as a result may be paying more for some positions than if they were converted to state civil service or federal position classifications.***
- 2. It has convened a panel to review the propriety of its 210 state active duty positions and estimates it will take three to five years to implement the panel's recommendations.***
- 3. It did not follow its regulations when it temporarily appointed many state active duty members to positions that do not appear to be temporary, failed to advertise some vacant positions as required, and inappropriately granted an indefinite appointment to one state active duty member after he reached the mandatory retirement age.***
- 4. State active duty members who become whistleblowers do not have access to an independent authority to resolve complaints of alleged retaliation.***

This hearing is the third in a series regarding the National Guard, although this is the first joint hearing. In November 2010, the Senate Veterans Affairs Committee held a hearing on the irregularities in the recruitment and retention program. The Senate Committee held another hearing in March of 2011 regarding issues of double-dipping, promotions, and to follow up on the recruitment and retention issues. Witnesses at that hearing came forward and raised concerns with the training base at Camp Roberts, CA, and the possibility of pension padding.

It is now almost exactly five years since the audit was issued. Recently witnesses and the press have questioned many of the same issues which were addressed in the audit. There have been reports that members of the Guard at the highest levels were excessively compensated, that misappropriations of money have occurred, that there have been various payroll irregularities, and continuing questions of favoritism in hiring practices.

The committees plan to gain a full understanding of the State Active Duty program, probe the Guard's responses to the audit recommendations, and begin to explore some of the allegations brought forward in recent months. In addition, the committees plan to set milestones for progress and a future report back by the Guard to the legislature. The committees anticipate that further hearings will be necessary for exploration and monitoring of these issues and to give time for the seeds of solutions to come to fruition.